

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**INTERNATIONAL INSURANCE COMPANY OF
HANNOVER,**

Plaintiff,

v.

**ACW CONSTRUCTION, INC., A CALIFORNIA
CORPORATION, ET AL.,**

Defendants.

Case No. 15-cv-00544-YGR

**ORDER DENYING PLAINTIFF’S MOTION TO
DISMISS FIRST AMENDED COUNTERCLAIMS,
DENYING DEFENDANT’S ADMINISTRATIVE
MOTION FOR LEAVE TO FILE SURREPLY,
AMENDING SCHEDULING ORDER, AND
SETTING COMPLIANCE HEARING**

Re: Dkt. Nos. 20, 28

Plaintiff International Insurance Company of Hannover (“Hannover”) filed a motion to dismiss counterclaims brought by defendant ACW Construction, Inc. (“ACW”). (Dkt. No. 20.) The matter came on for hearing on July 14, 2015. Having carefully considered the briefing and arguments submitted in this matter, and for the reasons set forth in full detail on the record on July 14, 2015, Hannover’s motion to dismiss counterclaims is **DENIED**. In light of the reasons stated on the record denying Hannover’s motion to dismiss, the Court need not consider ACW’s administrative motion for leave to file a surreply. ACW’s administrative motion for leave is likewise **DENIED AS MOOT**.

The Court hereby amends the case management order (Dkt. No. 29) as it relates to the briefing schedule on motions for summary judgment as follows:

The parties shall file a joint statement of stipulated facts and evidence by **July 30, 2015**.

Hannover shall file its opening motion by **August 18, 2015**.

ACW shall file its opposition and cross-motion by **September 8, 2015**.

Hannover shall file its reply and opposition to the cross-motion by **September 29, 2015**.

Defendant shall file its reply on the cross-motion only by **October 6, 2015**.

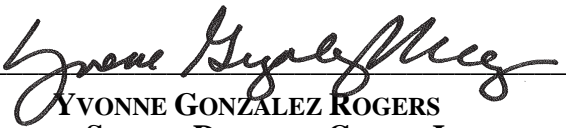
A hearing on the cross-motions for summary judgment will be held on **October 20, 2015** on the Court's 2:00 p.m. calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, Courtroom 1.

The Court further sets a compliance hearing regarding the parties' obligation to file a joint statement of stipulated facts and evidence to be held on **Friday, July 31, 2015** on the Court's 9:01 a.m. calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, Courtroom 1. No later than July 30, 2015, the parties must file either: (a) a joint statement of stipulated facts and evidence for purposes of summary judgment; or (b) a one-page joint statement setting forth an explanation for failure to comply. If compliance is complete, the parties need not appear and the compliance hearing will be taken off calendar. Telephonic appearances will be allowed only if the parties have submitted a joint statement on their failure to comply in a timely fashion. Failure to comply may result in sanctions.

This Order terminates Docket Numbers 20 and 28.

IT IS SO ORDERED.

Dated: July 15, 2015


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE